

## Exhibit "A"

July 1, 2015

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for June 16 through June 30, 2015

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of June 16 through June 30, 2015. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Kellie Elwood** filed a claim during the month of June, 2015, in the amount of \$1,120.00 for damage allegedly incurred to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

**Robert Masolom** filed a claim during the month of June, 2015, in the amount of \$48.13 for damage incurred to property as the result of action by Lincoln Fire and Rescue. This claim has been reviewed by this office and has been **denied**.

**Brad and Kathy Kalkwarf** filed a claim during the month of June, 2015, in the amount of \$768.32 for damage incurred to vehicle as the result of rock allegedly thrown from a city mower. This claim has been reviewed by this office and has been **denied**.

**Black Hills Energy** filed a claim during the month of June, 2015, in the amount of \$421.88 for damage incurred to gas line at 8832 Prairie Village. This claim has been reviewed by this office and has been **denied**.

### **ALLOWED/SETTLED CLAIMS:**

**Shawnadee Morris and Mark Morris** filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of water main break. This claim has been reviewed by this office and has been **settled** in the amount of \$71,114.27.

**Jennifer Woodard** filed a claim during the month of September, 2014, in the amount of \$27,500 for damages incurred when an overhead traffic signal pole fell on claimants' vehicle. This claim has been reviewed by this office and has been **settled** in the amount of \$3,000.

**Iris Alvarado** filed a claim during the month of February, 2015, in the amount of \$2,652.72 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$2,652.72.

**Afton Mendoza** filed a claim during the month of April, 2015, in the amount of \$5,000 for alleged injury incurred as the result of accident involving a City vehicle operated by a UNL police officer. This claim has been **settled** by the Risk Management Office in the amount of \$4,500.00.

**Jeremy McCoy** filed a claim during the month of April, 2015, in the amount of \$728.00 for damage incurred to cell phone as the result of action by Lincoln police. This claim has been reviewed by this office and has been **settled** in the amount of \$300.

**LITIGATION SETTLEMENT:**

**State Farm Insurance as subrogee of Insured, David Tarrence** filed a claim during the month of October, 2012, in the amount of \$17,615.65 for damage incurred to Insured's truck when it collided with an alleged low hanging tree limb. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court. This case has been **settled** in the amount of \$5,000.

**PENDING CLAIMS:**

**James McCown** filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by either a Lincoln Electric System vehicle or a Lincoln Water System vehicle. This claim is under review and is **pending**.

**Jordan Kaiser** filed a claim during the month of January, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Doralu Streeter** filed a claim during the month of January, 2014, in an unspecified amount for injury allegedly incurred when claimant fell on the 10th Street pedestrian overpass. This claim is under review and is **pending**.

**Shere Lynn Sieckmeyer** filed a claim during the month of February, 2014, in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Jerry Spale** filed a claim during the month of February, 2014, in the amount of \$21,500 for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim is under review and is **pending**.

**Jeffrey and April Morrison** filed a claim during the month of February, 2014, in the amount of \$7,259.00 for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Maureen Ellis** filed a claim during the month of April, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Tobias Pelaez, Personal Representative of Estate of Fernando Pelaez Carmona** filed a claim during the month of May, 2014, in the amount of \$1,000,000 alleging the death of Fernando Pelaez Carmona was caused by custodial conditions occurring during the time of his arrest by Lincoln police and his incarceration at the Lancaster County Correctional Center. This claim is under review and is **pending**.

**Joshua Ryan Cozine and Anthony Charles Turner** filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

**Kirk Botts** filed a claim during the month of May, 2014, in the amount of \$150,000 alleging he was assaulted and illegally arrested by Lincoln police officers. This claim is under review and is **pending**.

**Maurice Moore** filed a claim during the month of June, 2014, in the amount of \$150,000 alleging illegal and discriminatory arrest and detention when he was arrested. This claim is under review and is **pending**.

**KI and Elizabeth Dayalu** filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

**Arbor Day Foundation** filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

**United Fire & Casualty Company as subrogee of Bouwens Plumbing** filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by Marcus Tooze when water shot off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. This claim is under review and is **pending**.

**Latitude Subrogation Services on behalf of Auto-Owners Insurance as subrogee of Scott Cratsenberg** filed a claim during the month of September, 2014, in the amount of \$329.00 for medical benefits paid as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Kejjan Hesso** filed a claim during the month of September, 2014, in the amount of \$100,000.00 for injury incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Lynda S. King** filed a claim during the month of September, 2014, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Douglas House** filed a claim during the month of October, 2014, in an unspecified amount alleging that his First, Fifth, and Fourteenth Amendment rights have been violated as the result of arrest by Lincoln police. This claim is under review and is **pending**.

**Ashley Sams** who is the surviving spouse of Stephen Sams filed a claim during the month of October, 2014, in an unspecified amount alleging the wrongful death of Stephen Sams who after his arrest by Lincoln Police attempted suicide in the jail and later died at the hospital. This claim is under review and is **pending**.

**Steve LaFargue** filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

**Robert and Kathleen Harrop** filed a claim during the month of October, 2014, in the amount of \$2,330.00 for alleged damage incurred to rental property as the result of action by Lincoln police during the execution of a no knock warrant. This claim is under review and is **pending**.

**Larry Ball** filed a claim during the month of November, 2014, in an unspecified amount alleging he incurred physical pain and emotional distress when he was arrested by Lincoln Police while distributing leaflets in front of Pinnacle Bank Arena. This claim is under review and is **pending**.

**Catalina Alvarez and Carlos Servan** filed a claim during the month of November, 2014, in the amount of \$150.00 for reimbursement of electrician expenses incurred due to alleged failure of L.E.S. to diagnose problem with service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Eunice Higgins** filed a claim during the month of November, 2014, in the amount of \$998.23 for damage incurred to vehicle when it struck a street lamp pole that had fallen onto street. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Olga Alfonso** filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

**Mila Wulbern** filed a claim during the month of January, 2015, in the amount of \$175.00 for damage allegedly incurred to garage door opener as the result of execution of search warrant by Lincoln police. This claim is under review and is **pending**.

**William Swearingen** filed a claim during the month of January, 2015, in the amount of \$4,700.00 for damage allegedly incurred when Lincoln Water System employee was replacing water meter at claimant's home. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of January, 2015, in the amount of \$467.29 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Megan Beacon** filed a claim during the month of February, 2015, in the amount of \$354.00 for damage allegedly incurred to fence as the result of a fallen tree branch. This claim is under review and is **pending**.

**Leen-Kiat Soh** filed a claim during the month of February, 2015, in an unspecified amount for damage allegedly incurred to sod as the result of snow removal activity on bike path adjacent to claimant's property. This claim is under review and is **pending**.

**Sandra Harder** filed a claim during the month of February, 2015, in the amount of \$721.69 for damage allegedly incurred to oven as the result of power surge. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Bob Nordstrom** filed a claim during the month of February, 2015, in the amount of \$1,420.89 for damage allegedly incurred to vehicle when struck by water from a fire hose. This claim is under review and is **pending**.

**Brett Smith** filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Jeremiah Wright** filed a claim during the month of February, 2015, in the amount of \$110.26 for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

**Iris Alvarado and Carlos Mungia Vazquez** filed a claim during the month of February, 2015, in an unspecified amount for injuries incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Janeth Leymaster** filed a claim during the month of March, 2015, in an unspecified amount for damage allegedly incurred to sod and sprinkler as the result of snow removal activity. This claim is under review and is **pending**.

**Eric Christensen** filed a claim during the month of March, 2015, in the amount of \$208.18 for damage allegedly incurred to tire and rim as the result of a pothole. This claim is under review and is **pending**.

**Michael Marsh** filed a claim during the month of March, 2015, in the amount of \$250,000 for alleged injury incurred as the result of bicycle accident at a street construction site. Claimant alleges that due to inadequate warning he rode his bicycle into freshly poured concrete which caused him to be thrown from his bicycle. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Leigh Uhe** filed a claim during the month of March, 2015, in the amount of \$1,150.36 for damage allegedly incurred to insured's vehicle as the result of a pothole. This claim is under review and is **pending**.

**Michelle Martinez** filed a claim during the month of March, 2015, in the amount of \$2,744.78 for damage allegedly incurred to vehicle when struck by rocks and gravel as the result of road construction activity near claimant's parked vehicle. This claim is under review and is **pending**.

**Luevonne Murrell** filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. This claim is under review and is **pending**.

**Bailey Stewart** filed a claim during the month of April, 2015, in the amount of \$2,434.24 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of April, 2015, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**David E. Tarrence and Tamara K. Geis** filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. This claim is under review and is **pending**.

**Douglas Lamphear** filed a claim during the month of April, 2015, in an unspecified amount alleging that motorcycle windshield and meter socket were damaged when L.E.S. disconnected electrical service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**EZ Go Stores** filed a claim during the month of April, 2015, in an unspecified amount for damage allegedly incurred to sidewalk when a StarTran bus ran over it. This claim is under review and is **pending**.

**American Refuse** filed a claim during the month of April, 2015, in the amount of \$90.00 for damage incurred to trash bin when struck by an L.E.S. truck. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Paul and Margaret Schmidt** filed a claim during the month of April, 2015, in the amount of \$214.00 for damage incurred to fence from fire allegedly caused by an electrical power box. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Vicki Truax** filed a claim during the month of April, 2015, in the amount of \$738.79 for damage allegedly incurred to freezer as the result of interruption of electrical power. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Vasa Construction** filed a claim during the month of April, 2015, in the amount of \$200.00 for alleged unnecessary expense caused by L.E.S. trenching. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**State Farm Insurance as subrogee of Drew Czapl**a filed a claim during the month of May, 2015, in the amount of \$7,205.44 for damage incurred to insured's vehicle as the result of accident involving a City snowplow. This claim is under review and is **pending**.

**Marshall Krcmarik** filed a claim during the month of May, 2015, in an unspecified amount for damage allegedly incurred to tires as the result of debris at a street construction site. This claim is under review and is **pending**.

**Richard Gossard** filed a claim during the month of May, 2015, in an unspecified amount for damage allegedly incurred to sod and sprinkler system during installation of underground cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Shawn and Doug Farrar** filed a claim during the month of May, 2015, in the amount of \$550.08 for damage allegedly incurred to sprinkler system during installation of conduit by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Anthony Steinkraus** filed a claim during the month of May, 2015, in the amount of \$1,043.35 for damage incurred to vehicle as the result of pothole. This claim is under review and is **pending**.

**Makenzie Leung** filed a claim during the month of May, 2015, in the amount of \$1,645.78 for damage allegedly incurred to vehicle as the result of construction cone laying in the street. This claim is under review and is **pending**.

**Joyce Scheyer** filed a claim during the month of May, 2015, in the amount of \$270.41 for damage allegedly incurred to meter socket when electric service was turned off. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of May, 2015, in the amount of \$2,464.71 for damage allegedly incurred to cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Rick Stockman** filed a claim during the month of June, 2015, in the amount of \$315.63 for damage allegedly incurred to mower as the result of pole anchor that remained in the ground after removal of the pole by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Dan Kessler** filed a claim during the month of June, 2015, in an unspecified amount for damage incurred as the result of sewer back-up on May 12, 2015. This claim is under review and is **pending**.

**Orscheln Farm & Home LLC** filed a claim during the month of June, 2015, in the amount of \$7,896.81 for damage allegedly incurred to sewer line by and L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

#### **NEW CLAIMS FILED DURING THE PERIOD OF JUNE 16 THROUGH JUNE 30, 2015:**

**Michael and Tonya Have** filed a claim in the amount of \$10,417.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**William Rezac** filed a claim in the amount of \$28,499.67 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Guy R. Urbanek** filed a claim in the amount of \$1,000.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Matthew and Sarah Wattier** filed a claim in the amount of \$74,815.62 for damage incurred as the result of sewer backups on October 1, 2014, and May 7, 2015. This claim is under review and is **pending**.

**Dorothy Oreskovich** filed a claim in the amount of \$10,455.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Thelma Helgren** filed a claim in the amount of \$2,850.28 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Kenneth and Lisa Harris** filed a claim in the amount of \$4,630.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**William Stahn** filed a claim in the amount of \$554.36 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Jerry Claycomb** filed a claim in the amount of \$1,242.58 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**John Powers** filed a claim in the amount of \$950.00 alleging his bicycle was stolen while being stored at Center Park Garage. This claim is under review and is **pending**.

**Steven and Deborah Himmelberg** filed a claim in the amount of \$10,943.49 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Runza** filed a claim in the amount of \$8,729.28 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Dale and Kathleen Baker** filed a claim in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Melva Hackbart and Lori Cook** filed a claim in an unspecified amount for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**David and Debora Backhus** filed a claim in the amount of \$6,936.93 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Amanda Vetter** filed a claim in the amount of \$4,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Thomas Bender on behalf of Vera Bender** filed a claim in the amount of \$2,728.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Abraham Alfatemi** file a claim in the amount of \$5,009.18 for damage incurred to vehicle as the result of accident involving a police vehicle. This claim is under review and is **pending**.

**Minarick Investments LLC** filed a claim in the amount of \$430.90 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Christine Franklin** filed a claim in the amount of \$17,694.32 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Mark and Kathy Hoefs** filed a claim in the amount of \$4,808.50 for clean-up and an unspecified amount for damages incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Brian and Danielle Willey** filed a claim in the amount of \$10,380.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Richard Gonzalez** filed a claim in the amount of \$7,400.00 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Gary and Phyllis Allen** filed a claim in the amount of \$3,034.50 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Ronald and Pamela Brecka** filed a claim in the amount of \$1,000 for damage incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

#### **PENDING TORT LITIGATION:**

**Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus**, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit was filed in the Lancaster County Court and litigation is **pending**.

**Leroy Duffie** filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. Litigation is **pending**.

**Ben and Leigh Lewis on behalf of Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Dawn Amory** filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris** filed a claim during the month of April, 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suit was filed in Lancaster County Court and litigation is **pending**.

**Nicole Ulm** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**John Craw** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Elisa O'Dell and John O'Dell** filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit was filed in Lancaster County District Court and litigation is **pending**.

**Jennifer Tomka on behalf of Samual Tomka** filed a claim during the month of June, 2013, in the amount of \$4,329.28 for injury incurred to Samuel Tomka due to alleged defective ramp at Tierra Skatepark. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 16, 2013. Suit was filed in Lancaster County Court and litigation is **pending**.

**Shayla Funk** filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Floyd Brown** filed a claim during the month of April, 2013, in the amount of \$100,000 for injuries incurred as the result of an accident involving a StarTran bus. **State Farm Insurance** filed a subrogation claim in the amount of \$5,000 for medical benefits paid as the result of the accident. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Blanca Rincon-Flores** filed a claim during the month of March, 2013, in the amount of \$20,000.00 for alleged injury incurred as the result of accident involving a City snowplow. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**Elizabeth Bergman** filed a claim during the month of August, 2014, in the amount of \$14,445.29 for injury incurred when claimant fell into an open private fire line valve box after stepping off a City bus. This claim was reviewed by this office and denial was approved by the Lincoln City Council on January 12, 2015. Suit was filed in Lancaster County District Court and litigation is **pending**.